

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for the
WC Wood Industries Company Composting Facility
SWIS No. 54-AA-0028
September 28, 2016

Background Information, Analysis, and Findings:

This report was developed in response to the Tulare County Health and Human Services Agency, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for WC Wood Industries Company Composting Facility, SWIS No. 54-AA-0028, located in Visalia, and is owned by Quinn Enterprises L.P. and operated by West Coast Sand and Gravel, dba: WC Wood Industries Company. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on September 21, 2016. Action must be taken on this permit no later than November 20, 2016. If no action is taken by November 20, 2016, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

There are no proposed changes to the specifications (i.e., hours, tonnage, acreage, etc.) on the first page of the existing 2009 permit.

Proposed changes are to add food waste to allowable feedstocks and expand the existing operations to process co-collected green waste with food waste and process commercial food waste and composting.

Other changes include updates to the following sections of the SWFP: Section 13, Findings to include additional environmental documentation; Section 15, updated governing documents; and Section 17, removal of unenforceable conditions and inclusion of keeping the Odor Impact Minimization Plan (OIMP) onsite.

Key Issues

The proposed permit will allow for a change from a green waste composting operation to a compostable materials handling facility that includes food waste, manure, and digestate as acceptable feedstocks.

Background

This is an existing green waste composting facility that was first permitted in 1998. The facility currently has a permitted maximum tonnage of 400 tons per day; permitted hours are 6:00 a.m. to 7:00 p.m. Monday thru Saturday, and has a permitted area of 35 acres.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated September 23, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on January 5, 2014. The LEA provided a copy to the Department on January 5, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on September 21, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on September 23, 2016 a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in the memorandum dated June 20, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on May 18, 2016. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on September 23, 2016 that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on May 16, 2016. Oral comments were received by the LEA. Oral comments were addressed by the operator and LEA staff. No written comments have been received by the LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on May 18, 2016 and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2016 (January thru September) – No violations were noted.
- 2015 (May) - One violation of Public Resources Code, Section 44004 – Significant Change.
- 2014 – 2011 - No violations were noted.

The violation was corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Tulare County Resource Management Agency, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include: acceptance of food waste, manure, and digestate; and the ability to sort, process, and compost food waste, manure, and digestate. There will be no increase in tonnage,

hours or acreage. These changes are supported by the following environmental document:

An Initial Study/Negative Declaration (IS/ND), in conjunction with Special Use Permit No. PSP 08-108, was considered by the Tulare County Planning Commission on September 23, 2009 and approved on October 7, 2009. The project analysis for the existing green-waste recycling facility and addition of a construction and demolition waste processing operation concluded that the project would not have a significant impact on the environment. A Notice of Determination was filed with the Tulare County Clerk on October 8, 2009.

Under CEQA Guidelines Section 15162, when an environmental impact report (EIR) has been certified or a negative declaration (ND) adopted for a project, no subsequent environmental document shall be prepared for that project unless the Lead Agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project, which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the ND was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or ND;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

PRC Section 21068 defines “Significant effect on the environment” as a substantial, or potentially substantial, adverse change in the environment. CEQA Guidelines Section 15382 further defines, a “Significant effect on the environment” as meaning a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. A lead or responsible agency may prepare an addendum to a previously adopted ND if minor technical changes or additions are necessary or none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR or subsequent ND have occurred, pursuant to Section 15164(b) of the CEQA Guidelines.

Thus, Section 15164(b) of the CEQA Guidelines provides that an addendum to a ND is the appropriate documentation when the lead agency has determined that none of the conditions described in CEQA Guidelines Section 15162 exist – specifically there are no new significant environmental effects as a result of the changed project.

An Addendum to the 2009 IS/ND was prepared and approved for the revised SWFP by the Lead Agency, dated September 9, 2016. The IS/ND was included within the Addendum analysis for the project changes to support the determination by the LEA that the 2009 IS/ND and Addendum for the compost facility is sufficient for purposes of approval of the revised SWFP, and that no additional subsequent environmental review is required under CEQA.

The Tulare County Environmental Health Department (LEA), has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the ND and Addendum as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA record and recommends the ND and Addendum are adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the ND adopted by the Lead Agency, the September 2016 Addendum, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on May 16, 2016, at the Tulare County Resource Management Agency, Conference Room "L", located at 5961 South Mooney Blvd. in Visalia. Three members of the public were in attendance. The issues cited by those in attendance were the possible nuisance conditions arising with flies and rodents on-site. The operator and LEA answered by indicating that the nuisance and vector state minimum standards will be implemented and enforced. No written comments were received by the LEA or Department staff.

The proposed permit was initially received on June 13, 2016, but was withdrawn by the LEA on September 1, 2016 as the Lead Agency was preparing an Addendum to the 2009 IS/ND for the project.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on June 21, 2016, July 19, 2016 and August 16, 2016. No comments were received by Department staff.